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23 UNITED STATES DISTRICT COURT
24 NORTHERN DISTRICT OF CALIFORNIA

25 BALJINDER SINGH; RAGINDER KAUR,

26 Plaintiffs,

27 vs.

28 7-ELEVEN, INC.; CINDY DUONG; LARY
DUONG,

Defendants.

Case No. C05 04534 RMW

STIPULATION RE: DISMISSAL OF
ACTION AND [] ORDER

Date Action Filed: 11/07/2005

1 Come now Plaintiffs Baljinder Singh and Raginder Kaur and Defendants Cindy Duong
2 and Larry Duong, by and through their respective counsel, and hereby stipulate as follows:

3 1. Plaintiffs' Complaint for Damages for failure to pay back wages owed to Plaintiffs
4 and others similarly situated, in violation of section 7 of the Fair Labor Standards Act of 1938, as
5 amended, 29 U.S.C. 201, *et seq.*, and pendant actions, was filed in the United States District
6 Court, Northern District of California, on November 7, 2005.

7 2. On or about January 25, 2007, Defendant 7-Eleven, Inc. filed a Motion for
8 Summary Judgment and on March 8, 2007, this Court issued its Order Granting 7-Eleven's
9 Motion for Summary Judgment.

10 3. Section I of the Joint Statement of Case filed in this action on March 22, 2007,
11 contained a statement by Plaintiffs' counsel that "...Plaintiffs will file an application for order
12 shortening time to hear a motion to allow dismissal of the FLSA claims and to remand to Superior
13 Court in light of the court's granting corporate 7-Eleven's Motion for Summary Judgment."

14 4. Plaintiffs Baljinder Singh and Raginder Kaur, and the remaining defendants in this
15 action, Cindy Duong and Larry Duong, desire to have the action heard by the Superior Court of
16 the State of California, and the parties have agreed to a dismissal without prejudice of the within
17 United States District Court action so that Plaintiffs may file an action in the Superior Court of
18 the State of California. The parties further stipulate that any filing in the Superior Court would
19 relate back to the date of the filing of the federal complaint with respect to the claims stated
20 therein, and that the period of time that the matter was pending in the federal court will be tolled
21 for purposes of the superior court filing.

22 WHEREFORE, the parties stipulate as follows:

23 1. That the action presently pending in the United States District Court, Northern
24 District of California, Case No. C05 04534 RMW, is dismissed without prejudice; and

25 2. That Plaintiffs may file a new action against Defendants Cindy Duong and Larry
26 Duong in the Superior Court of the State of California and the period of time that the matter was
27 pending in the United States District Court with respect to the claims stated therein will be tolled
28 for purposes of the Superior Court filing.

1 Dated: March 28, 2007

Dated: March 29, 2007

2
3 LAW OFFICES OF ROBERT DAVID
4 BAKER

GREENBERG TRAURIG, LLP

5 By: /s/ Robert David Baker
6 Robert David Baker
7 Attorneys for Plaintiffs
8 Baljinder Singh and Raginder Kaur

By: /s/ Cindy Hamilton
William J. Goines
Karen Rosenthal
Cindy Hamilton
Attorneys for Defendants Cindy Duong
and Larry Duong

9 I, William J. Goines, am the ECF user whose ID and password are being used to file this
10 Stipulation Re: Dismissal and [Proposed] Order. In compliance with General Order 45, X.B., I
11 hereby attest that the above-signed counsel have concurred in this filing.

12 Dated: March 29, 2007.

/s/ William J. Goines
William J. Goines

13
14
15 **ORDER**

16 IT IS SO ORDERED.

17 Dated: 3/30/307

Ronald M. Whyte
RONALD M. WHYTE
Judge, United States District Court